

REMARKS

The application has been amended to place the application in condition for allowance at the time of the next Official Action.

Claims 8-11 were previously pending in the application. Claims 12 and 13 are added. Therefore, claims 8-13 are presented for consideration.

Claims 8-10 were rejected as unpatentable over HALL 6,026,375 in view of FANO 6,317,718. That rejection is respectfully traversed.

The position set forth in the Official Action is that HALL discloses all that is recited except sending a customer the latest and lowest price. FANO is offered for this feature.

The conclusion set forth in the Official Action is that it would have been obvious to modify HALL to provide the lowest price information in order to help the customer make a purchase decision.

This conclusion is believed to be untenable at least for the following reasons.

First, HALL does not disclose all that for which is it offered.

Claim 8 recites sending the latest commodity information from a dealer terminal to an information retrieval service terminal. Even if one were to ignore the limitation "the

latest", HALL does not send commodity information from a dealer terminal to an information retrieval service terminal.

Rather, as disclosed on column 8, line 45 through column 9, line 50 of HALL, a customer 100 initiates an order by contacting Service Provider's System (SPS) 150. The SPS then queries the customer as to the customer location and then based on the response to that query, the SPS queries local facilities 172, 174 and 176 to determine whether those facilities can satisfy the order.

Accordingly, it is only upon the customer initiating an order does the SPS obtain information from local terminals. The local terminals do not send local information to the SPS, which then stores such information in a database and can access the database upon receiving a query from a user terminal. HALL does not disclose a dealer terminal sending the latest commodity information to an information retrieval service terminal and updating commodity information stored in a database to the latest information as recited.

Moreover, memory 170 of SPS 150 is not a database for storing commodity information. Rather, as disclosed on column 6, lines 7-11 of HALL, memory 170 is a data storage device that stores data related to the transaction such as customer location information, facility information and time of arrival of a customer to a facility. HALL does not disclose commodity information stored in a database.

Second, the motivation for combining the references is based on impermissible hindsight reasoning.

If the Examiner is taking the position that FANO is relied upon only for disclosure of information related to the lowest cost and product pricing, then the Examiner is impermissibly picking and choosing features from the references absent a suggestion or motivation to do so.

Clearly, FANO discloses a direct interaction between a dealer and a customer and does not disclose receiving the latest commodity information at an information retrieval service terminal.

In addition, as disclosed on column 47, lines 29-31, FANO discloses that the information of FANO is generated from an online database of the store (dealer terminal). FANO does not teach sending the latest commodity information from the dealer terminal to an information retrieval service terminal and updating the commodity information stored in a database to the latest information as recited.

FANO relies on the dealer terminal having the latest information and does not disclose receiving the latest commodity information at an information retrieval service terminal that updates the commodity information in a database. Selecting only the disclosure of the latest commodity information while ignoring where that information is obtained from and how that information

is stored is impermissible hindsight reasoning that does not meet the level of obviousness under 35 USC §103.

Accordingly, the rejection of claim 8 is believed to be untenable.

Independent claim 10 includes similar recitations and is also believed to distinguish over the proposed combination of references.

Claim 11 was not specifically rejected over the proposed combination of references and further clarification of whether this claim is allowable is respectfully requested.

New independent claim 12 includes similar recitations to claim 8 and is believed patentable at least for the reasons that claim 8 is believed patentable over the cited prior art. In addition, claim 12 further provides that the dealer terminal continuously sends the latest commodity information to an information retrieval service terminal and that the information retrieval service terminal updates the commodity information stored in the database thereof.

New claim 13 depends from claim 12 and is believed patentable at least for depending from an allowable independent claim. Support for the new claims may be found on page 5, line 29 through page 6, line 4 and page 9, lines 10-21.

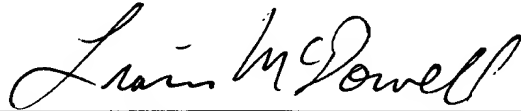
In view of the present amendment and the foregoing remarks, it is believed that the present application has been

placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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